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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

9 Brendan Coleman, an individual,

10 Plaintiff

11 v.

12 Placer County, California, a county  
13 government; and the following  
14 persons as individuals and in their  
15 capacity as officials, employees or  
16 contractors of Placer County:

17 Devon Bell; Robert Madden;  
18 Megan Yaws; Jeremy Burch;  
19 Dan Cunningham; Aubrey Harris;  
20 Mathew Spencer; Mackenzie Miller;  
21 R. Scott Owens, Benjamin Eggert,  
22 Jennifer Miskewycz; and  
23 Does 1 through 30,

24 Defendants.

CASE NO.:

25 **COMPLAINT FOR INDIVIDUAL,**  
26 **SUPERVISORY, AND MUNICIPAL**  
27 **VIOLATIONS OF 42 U.S.C. §1983;**  
28 **STATE LAW CLAIMS FOR ASSAULT**  
**AND BATTERY; INTENTIONAL**  
**INFLECTION OF EMOTIONAL**  
**DISTRESS, VIOLATIONS OF**  
**CALIFORNIA CIVIL CODE §51, AND**  
**RESPONDEAT SUPERIOR LIABILITY**  
**JURY TRIAL DEMANDED**

29 **I.**  
30 **INTRODUCTION**

31 This is a civil rights action arising out of the false arrest and then the  
32 unprovoked beating of Brendan Coleman in the Placer County Auburn jail. Not  
33 only was the arrest without warrant or probable cause, but the beating in the jail  
34 was cowardly done while Mr. Coleman was handcuffed behind his back and lying

1 prostrate on the floor of a cell. There was no purpose to the abuse other than the  
2 sadistic pleasure of the responsible Placer County Sheriff's Office correctional  
3 officers.

4 This case is even more appalling because of the malicious prosecution of Mr.  
5 Coleman on false charges that followed his beating at the jail. This criminal  
6 prosecution was sustained for eleven months through the use of false evidence,  
7 including video from the Auburn Jail and the sheriff's cruiser that had been altered  
8 to conceal the truth. Although this false evidence appears to have been created by  
9 Sheriff's Office personnel, the Placer County District Attorney's Office continued to  
10 prosecute the false charges against Mr. Coleman for over six months beyond the  
11 discovery of such evidence tampering by Mr. Coleman's defense counsel.

12 The final insult to the criminal justice system in Placer County came on May  
13 31, 2017, when Sheriff Devon Bell made a misleading statement about when and  
14 how he first learned about the abuse of inmates at the Auburn Jail. At this press  
15 conference, Sheriff Bell stated that he was not aware of the events in this  
16 Complaint and the similar abuse claimed by inmates in other written complaints to  
17 Placer County. Mr. Coleman, however, had filed his first claim with Placer County  
18 about the abuse he suffered at the hands of Placer County Sheriff's Officers on  
19 January 9, 2017. Indeed, other inmates had made similar prior complaints and at  
20 least one inmate had already filed a federal civil rights action that is now pending  
21 in this Court.

22 **II.**  
23 **JURISDICTION AND VENUE**

24 1. Jurisdiction over the federal causes of action under Title 42 U.S.C. §1983 are  
25 proper in this Court under 28 U.S.C. §1331. Pendant Jurisdiction over the state  
26 causes of action is proper under Title 28 U.S.C. §1367(a) and Title 28 U.S.C.  
27 §1343(a)(3).

1 2. Venue is proper in this Court under 28 U.S.C. §1391(b) because all of the  
2 defendants reside, and the acts complained of occurred, within the territorial  
3 boundaries of this United States District Court.

4 3. Intra-district venue is proper in the Sacramento Division of this Court under  
5 Local Rule 120(d) because the acts and omissions that are the basis of this  
6 complaint occurred within Placer County.

7  
8 **III.**  
**PARTIES**

9 4. Plaintiff Brendan Coleman (“Coleman”) is a single male, age 40. Coleman  
10 resides at 812 Persifer Drive, Apt. A12A, Folsom, CA 95630.

11 5. Defendant Placer County, California, operates the Placer County Sheriff’s  
12 Office (“PCSO”) which is responsible for the staffing and operation of the Auburn  
13 Jail.

14 6. Defendant Devon Bell is the Sheriff and is in command of the PCSO.

15 7. Defendant Robert Madden (“Madden”) was employed by the PCSO and was  
16 working as a deputy sheriff at the Auburn Jail at the time of the events alleged  
17 below.

18 8. Defendant Megan Yaws (“Yaws”) was employed by the PCSO as a CO  
19 Sargent at the Auburn Jail at the time of the events alleged below.

20 9. Defendant Jeremy Burch (“Burch”) was employed by the PCSO and was  
21 working as a deputy sheriff at the Auburn Jail at the time of the events alleged  
22 below.

23 10. Defendant Dan Cunningham (“Cunningham”) was employed by the PCSO  
24 and was working as a deputy sheriff at the Auburn Jail at the time of the events  
25 alleged below.

26 11. Defendant Aubrey Harris (“Harris”) was employed by the PCSO and was  
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1 working as a deputy sheriff at the Auburn Jail at the time of the events alleged  
2 below.

3 12. Defendant Mathew Spencer (“Spencer”) was employed by the PCSO and was  
4 working as a deputy sheriff on patrol at the time of the events alleged below.

5 13. Defendant Mackenzie Miller (“Miller”) was employed by the PCSO and was  
6 working as a deputy sheriff on patrol at the time of the events alleged below.

7 14. Defendant R. Scott Owens (“Owens”) is the Placer County District Attorney.

8 15. Defendant Benjamin Eggert (“Eggert”) is a deputy district attorney at the  
9 Placer County District Attorney’s Office.

10 16. Defendant Jennifer Miskewycz (“Miskewycz”) is a deputy district attorney  
11 at the Placer County District Attorney’s Office.

12 17. The true names and capacities of defendants sued herein as Does 1-30,  
13 inclusive, whether individual, corporate, or otherwise are unknown to Plaintiff who,  
14 therefore sues such defendants by such fictitious names. When their true names  
15 and capacities are ascertained, Plaintiff will amend this complaint by asserting  
16 their true names and capacities herein. Plaintiff is informed, believes and thereon  
17 alleges, that at all times herein mentioned, all defendants, including DOES 1  
18 through 30, inclusive: (i) are qualified to do business in California, and/or did, in  
19 fact, do business in California; (ii) jointly perpetrated the acts herein with their  
20 co-defendants; (iii) were the successors in interest to, or agents, alter egos,  
21 principals, co-tenants, partners, joint venturers, or co-conspirators of their  
22 co-defendants in doing the things herein alleged; and/or (iv) were acting within the  
23 scope of their authority or in furtherance of a common scheme or design with the  
24 knowledge, permission, consent or ratification of their co-defendants in doing the  
25 things herein alleged, and therefore are liable, jointly and severally, for all damages  
26 and other relief or remedies sought by complainants in this action.

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IV.  
**BACKGROUND ALLEGATIONS**

**Duties of Placer County and the Placer County Sheriff's Office**

18. Defendant Placer County and the PCSO are obligated to have policies, practices, and procedures to: (a) prevent the unlawful use of force against detainees and inmates; and (b) provide timely and effectively response to the medical needs of inmates ("PPPs").

19. Defendant Placer County and the PCSO are obligated to adequately train their deputy sheriffs and other correctional officers: (a) in the lawful use of force with detainees and inmates; and (b) the timely and effectively response to the medical needs of detainees and inmates.

20. Defendant Placer County and the PCSO are obligated to adequately supervise their deputy sheriffs and correctional officers to verify the effectiveness and enforcement of the PPPs and training in the: (a) lawful use of force with detainees and inmates; and (b) the timely and effectively response to the medical needs of detainees and inmates.

21. Defendant Placer County and the PCSO maintain a video surveillance system at the Auburn Jail ("VSS"). Plaintiff is informed and believes, and on that basis alleges, that the VSS was installed, in part, to verify that the PPPs are being followed, that training has been adequate, and that supervisors are monitoring the conduct of deputies and other correctional officers in the lawful use of force and the provision of timely and effective medical response for all inmates. Plaintiff is further informed and believes, and on that basis alleges, that the VSS also provides a ready means for the PCSO to investigate inmate complaints about these matters.

22. Plaintiff is informed and believes, and based thereon alleges, that there is a custom and practice among the deputies in the PCSO, known in the vernacular of police culture as the "blue wall of silence" or "blue code" to keep secret the errors,

1 misconduct, or crimes (including police brutality) of fellow officers. Under federal  
2 and state constitutional and statutory law, Defendant Placer County and the PCSO  
3 have a duty to break down this “blue wall of silence” among their deputies and  
4 correctional officers so that the unlawful use of force is reported to superiors  
5 without repercussions to non-offending deputies and correctional officers.

6 **The Unlawful Use of Force Against Plaintiff In The Field**

7 23. On July 14, 2016 at approximately 10:30 pm, Plaintiff was driving home to  
8 Folsom from Grass Valley. Plaintiff became very sleepy while driving, so Plaintiff  
9 pulled off the road and into a parking lot of the St. Joseph Marellos Catholic church  
10 in Granite Bay to take a nap. After parking in the church parking lot, Plaintiff got  
11 out and went into the back of his truck to rest. Plaintiff was there just a few  
12 minutes when bright lights were shown into his truck. Plaintiff located his wallet,  
13 phone and keys and got out of the truck. Plaintiff saw two PCSO deputies get out of  
14 their cruiser and approach.

15 24. The PCSO deputies, Defendants Spencer Miller, asked Plaintiff what he was  
16 doing and Plaintiff told them he had stopped to rest because he was falling asleep  
17 driving. They asked if Plaintiff was alone, if Plaintiff had been drinking or using  
18 drugs, and if Plaintiff had any weapons. Plaintiff told them he was alone, that he  
19 had not been drinking or using any drugs, and that he did not have a weapon. The  
20 deputies then asked for Plaintiff’s ID, which Plaintiff gave them. Deputy Spencer  
21 said he needed to search Plaintiff’s vehicle. Plaintiff said “ok”. Deputy Spencer  
22 then came up to Plaintiff from the front and deputy Miller stayed near the cruiser.  
23 Plaintiff asked if he was being “detained” and Deputy Spencer said “you most  
24 certainly are”. Plaintiff asked what he was being detained for, but neither deputy  
25 responded.

26 25. Plaintiff asked again why he was being detained. Plaintiff told the deputies  
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1 that he was cooperating fully and had allowed a search of his truck. Deputy  
2 Spencer then answered on “suspicion”. Plaintiff asked on suspicion of what?  
3 Neither deputy responded, but Deputy Spencer shined his light in Plaintiff’s face  
4 and ordered him to step in the direction he was pointing. Plaintiff obeyed. Deputy  
5 Spencer then asked Plaintiff to move back and closer to his truck. Plaintiff  
6 complied. Deputy Spencer several times looked into Plaintiff’s vehicle, but found  
7 nothing. Finally, Deputy Spencer came back over to Plaintiff. Deputy Spencer then  
8 told Deputy Miller to “arrest him” and Deputy Miller then grabbed Plaintiff’s arm,  
9 twisted it, and forced Plaintiff to the ground, face down.

10 26. Plaintiff was frightened at having been taken to the ground for no reason and  
11 he asked the Deputies why they were doing this to him. Plaintiff got no response.  
12 Deputy Spencer then began talking over his radio (a small unit attached to his  
13 shirt). Deputy Miller placed his knee on Plaintiff’s back. Deputy Spencer then also  
14 came down on top of Plaintiff and Plaintiff was hand cuffed. While Spencer was  
15 cuffing Plaintiff, Deputy Spencer told Plaintiff to stop resisting. Plaintiff asked  
16 “how can I resisting, I can’t even move.”

17 27. Deputy Miller then started to pick Plaintiff up (hand cuffed behind his back)  
18 and Plaintiff cried out in pain because of the twisting motion which stretched his  
19 back. Plaintiff has had a herniated disk with injury to his sciatic nerves since 2007.  
20 Not only did Plaintiff experience severe pain, the nerve that controls his bowel  
21 spasmed and Plaintiff had an uncontrolled bowel movement. In addition, Plaintiff  
22 felt paralyzed and could barely move. Deputy Miller backed off momentarily, but  
23 then Deputy Spencer said “we are not waiting” and commanded Deputy Miller to  
24 get Plaintiff up.

25 28. Plaintiff was in severe pain at this point and could not move quickly. Plaintiff  
26 was placed into the back seat of the patrol vehicle. Plaintiff was in serious pain and  
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1 because the hand cuffs were on too tight and his back was in a bad position. The  
2 Deputies drove to the jail, at times exceeding the posted speed limit. Plaintiff asked  
3 them to slow down, but they ignored Plaintiff.

4 **The Unlawful Beating of Plaintiff at the Auburn Jail**

5 29. When the cruiser arrived at the jail there were approximately seven other  
6 deputies waiting. Deputy Spencer and Miller got out of the car and said to the  
7 deputies from the jail "he is all yours boys". Defendant Deputy Jeremy Burch then  
8 opened the cruiser rear door and hooked his arm into Plaintiff's cuffed arms to pull  
9 him out. Plaintiff told Deputy Burch that he had a herniated disk and was not able  
10 to move his left leg because it was numb. Defendant Burch became impatient and  
11 just pulled Plaintiff out of the car. Plaintiff lost his footing and fell. At this point  
12 Deputy Burch, with help from 1-2 other deputies, lifted Plaintiff up, but then put  
13 excessive pressure on Plaintiff's wrists and ordered him to move. Deputy Burch  
14 then mocked Plaintiff by saying something like "oh wow look at that, he's got a  
15 magic leg, he can walk now". Plaintiff hobbled on one leg, all the while being  
16 mocked for faking his condition. Plaintiff told the deputies again about his back and  
17 nerve problem, but the deputies just pulled him along and took him through the  
18 door to the jail.

19 30. During the intake process (about 15 minutes) there were multiple occasions  
20 when the deputies pulled up on Plaintiff's arms which were still handcuffed behind  
21 his back. Each time Plaintiff cried out in pain. The deputies not only ignored this,  
22 but they mocked him, especially by deputy Megan Yaws who appeared to be in  
23 charge. Plaintiff remembers crying out in pain while cuffed and seated and again  
24 as they were taking him out of the intake area.

25 31. Plaintiff was placed in a solitary cell subsequently identified as Cell 33. True  
26 and correct copies of pictures showing Plaintiff being marched into Cell 33 are  
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1 attached hereto as Exhibit 13A&B. A female deputy (which Plaintiff is informed  
2 and believes, and on that basis alleges, was Defendant Yaws) told the other  
3 deputies to put Plaintiff into the corner of the cell. Plaintiff was then ordered by  
4 Defendant Yaws to get down on his stomach, Plaintiff's hands still cuffed behind  
5 him. Plaintiff complied and got on his knees. Defendant Yaws then told to  
6 Plaintiff to put his face on the floor. As Plaintiff was starting to do this, the male  
7 deputy on Plaintiff's right side (which Plaintiff is informed and believes, and on that  
8 basis alleges, was Defendant Cunningham), then slammed Plaintiff's face the rest  
9 of the way to the floor putting Plaintiff's head next to the urinal. Defendant  
10 Cunningham then kicked Plaintiff in the ribs on his right side and drove his knee  
11 into Plaintiff's upper middle back. Defendant Cunningham (still on Plaintiff's right  
12 side) then got up, adjusted his position and drove his knee into Plaintiff's right  
13 shoulder. Defendant Yaws then yelled out that she had told Plaintiff to get on his  
14 stomach. Plaintiff's ankles were then pulled out from underneath him, causing  
15 Plaintiff to fall flat on the floor. Plaintiff was still hand cuffed. The male deputy  
16 on Plaintiff's left side (which Plaintiff is informed and believes, and on that basis  
17 alleges, was Defendant Burch) then bent over and removed the left handcuff.  
18 Defendant Burch then raised Plaintiff's left arm high over his head, twisting it and  
19 applying pressure to his elbow as if the deputy was going to break Plaintiff's arm.  
20 Plaintiff called out in pain, begging him not to break his arm. Meanwhile,  
21 Defendant Cunningham is removing the cuff from Plaintiff's right arm (with his  
22 knee on Plaintiff's back). Defendant Burch then hands my left hand to Defendant  
23 Cunningham. Defendant Cunningham then placed Plaintiff's hands, now  
24 interlaced, onto the back of his head and pulled Plaintiff's feet up to the middle of  
25 Plaintiff's back, like Plaintiff was being hog tied. Plaintiff was then told by  
26 Defendant Yaws not to move until Plaintiff heard the door slam shut. Plaintiff was  
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1 so fearful and traumatized that he stayed in the hog tied position for several  
2 minutes after the Defendant deputies had left and closed the door.

3 32. When Plaintiff heard the door slam shut, he did not try to get up – he was too  
4 afraid and in too much pain. After a couple of minutes Plaintiff was able to slowly  
5 pull himself up. There Plaintiff was, barefoot, in his shorts, bruised and in pain,  
6 filth all over his clothes and face. Plaintiff was in this cell by himself for about 6-7  
7 hours, it was very cold, and Plaintiff was without any blanket or socks. Further,  
8 Plaintiff was not allowed to make a phone call during this time. Finally, in the  
9 morning someone gave Plaintiff a pair of socks and moved him to a room that was a  
10 holding room with other detainees.

11 33. While Plaintiff waited in this holding room, Plaintiff asked the nurse (a  
12 female) to look at his injuries from the rough handling at the time of arrest and the  
13 beating in Cell 33. The nurse did not inspect any of Plaintiff's injuries and she did  
14 not order any medical treatment.

15 34. Plaintiff was never told what he was charged with. Plaintiff was able to call  
16 to arrange bail for \$5,000. Plaintiff was released after 16 hours at about 4:00 pm on  
17 July 15, 2016. Plaintiff was given a ride by the bail bondsmen to his truck at the  
18 church parking lot. Plaintiff then drove to the Mather Field Veterans  
19 Administration hospital. Plaintiff gave a statement about what happened to the  
20 Veterans Administration police and then to the doctor and nurse, documenting his  
21 injuries.

### 22 **The Pattern of Unlawful Use of Force Against Inmates**

23 35. Plaintiff has become aware of other similar instances of unlawful use of force  
24 by PCSO deputies and other correctional officers against inmates at the Auburn  
25 Jail. One example of this pattern of wrongful conduct by Placer County and the  
26 PCSO is the claim by a Mr. Christopher Langley for similar violations as set forth  
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1 in the First Amended Complaint filed by Christopher Langley in civil action 2:17-  
2 CV-0760 now pending in this Court.

3 36. Plaintiff is informed and believes, and on that basis alleges, that there has  
4 been a group of deputies working at the Auburn Jail that have frequently engaged  
5 in unlawful violence against inmates, sometimes individually and sometimes  
6 collectively. Plaintiff is further informed and believes, and on that basis alleges,  
7 that these deputies have abided by the "blue wall of silence" and neither stopped  
8 nor reported each other's unlawful conduct. Plaintiff is further informed and  
9 believes, and on that basis alleges, that Defendant Sheriff Devon Bell, has known  
10 about the "blue wall of silence" being followed by his deputies and officers and has  
11 been aware of many, if not all, of the complaints of unlawful violence by inmates.

12 37. On or about May 31, 2017, Defendant Devon Bell, speaking as the Sheriff of  
13 Placer County, gave a press conference at which he announced that three deputies  
14 who worked at the Auburn Jail had been terminated as employees and arrested and  
15 charged under PC §118.1 and PC §149 ("Press Conference"). A true and correct  
16 copy of the article in the Sacramento Bee about the Press Conference is attached  
17 hereto as Exhibit 3. At the Press Conference Sheriff Bell stated, *inter alia*:

18 "[the] conduct was limited to a very small number of people";

19 "We discovered this ourselves"; and

20 "We investigated it ... and we made arrests."

21 **The Timely Filing of a Tort Claim for Unlawful Use of Force**

22 38. On or about January 9, 2017, Plaintiff filed a claim against Placer County for  
23 the injuries he suffered as described in paragraphs 23-32. A true and correct copy  
24 of this tort claim is attached hereto as Exhibit 1.

25 39. On or about February 1, 2017, Placer County served by mail a rejection  
26 Plaintiff's claim. A true and correct copy of this rejection is attached hereto as  
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1 Exhibit 1A.

2 **Tampering With Evidence**

3 40. Subsequent to the events described in paragraphs 23-32, Plaintiff was  
4 charged by Defendants Spencer and Miller with two misdemeanor counts of  
5 resisting arrest under California Penal Code §148(a)(1). A true and correct copy of  
6 the Complaint dated August 17, 2016, is attached as Exhibit 4.

7 41. On or about November 8, 2016, Plaintiff filed a motion to compel production  
8 of the many discovery items that had been requested on or about August 24, 2016.  
9 On or about November 22, 2016, in a very late response to Plaintiff's discovery  
10 request, the Placer County District Attorney produced a copy of a video of the  
11 intake area in the Auburn jail that showed Plaintiff being processed into the  
12 Auburn jail on July 15, 2016 ("Intake Video"). On or about November 29, 2016,  
13 Plaintiff was shown the Intake Video by his legal counsel and asked if he noticed  
14 anything that was not as Plaintiff remembered the events. Plaintiff observed that  
15 there had been multiple occasions in the intake process where he had yelled out in  
16 pain, but which he could not now hear in the Intake Video. An analysis of the audio  
17 portion of the Intake Video was performed and multiple deletions/modifications  
18 were readily seen in the Intake Video. A copy of a declaration dated on or about  
19 December 15, 2016 filed by Patrick H. Dwyer about the Intake Video is attached  
20 hereto as Exhibit 5. The Plaintiff's motion to compel was heard by court on  
21 December 16, 2016 and the court granted the motion, specifically ordering that the  
22 video of the different areas of the Auburn Jail that Plaintiff had requested be  
23 produced.

24 42. Finally, on or about March 1, 2017, the Placer County Sheriff's Office  
25 released additional video of a portion of the Auburn Jail called Cell 33 ("Cell 33  
26 Video") in response to the court's order on the motion to compel. Cell 33 was where  
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1 Plaintiff was taken and beaten by Defendants as described in paragraph 31.  
2 Counsel for Plaintiff wrote to the Placer County District Attorney on or about  
3 March 7, 2017, and described the possible gaps in the Cell 33 Video and that the  
4 sound volume appears to have been turned down. A true and correct copy of this  
5 letter is attached as Exhibit 6.

6 43. On or about March 17, 2017, counsel for Plaintiff again wrote to the Placer  
7 County DA again about problems with the evidence production. A true and correct  
8 copy of this letter is attached as Exhibit 7.

9 44. On or about April 20, 2017, additional video of various locations in the  
10 Auburn jail where Plaintiff was incarcerated were produced. This time there was  
11 some video of the outside Sally port area at the jail (“Sally Port Video”). However,  
12 the video appears to have, approximately, a 26 minute unexplained gap during  
13 which Plaintiff was removed from the PCSO cruiser by nine PCSO deputies as  
14 described in paragraph 26. Counsel for Plaintiff sent a letter on or about May 2,  
15 2017 about the many discovery problems and the approximate 26 minute gap in the  
16 Sally Port Video. A true and correct copy of this letter is attached as Exhibit 8.

17 45. On or about May 10, 2017, the Placer County District Attorney finally  
18 produced the video from the cruiser driven by Defendants Spencer and Miller at the  
19 incident scene on July 14, 2016. This video includes the transport of Plaintiff to the  
20 Auburn Jail on or about midnight on July 14, 2016 (“Cruiser Video”). Once again,  
21 the portion of the video that would have shown Plaintiff’s detention and the  
22 excessive force used by Defendants Spencer and Miller is inexplicably missing.  
23 Counsel for Plaintiff wrote to the Placer County District Attorney on or about May  
24 24, 2017 describing the many problems with the Cruiser Video. A true and correct  
25 copy is attached as Exhibit 9.

26 46. Plaintiff retained a firm named “NCAVF” as an expert in audio and video  
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1 evidence and had them analyze whether it was possible to modify the audio portion  
2 of videos from the VSS, including the Intake Video and the Cell 33 Video. Plaintiff's  
3 expert, NCAVF, conducted a study and confirmed that the audio portion of the VSS  
4 system is not secure and that it was not difficult to edit and/or delete the audio in  
5 these videos. A true and correct copy of the NCAVF report is attached hereto as  
6 Exhibit 10.

7 47. Counsel for Plaintiff wrote a letter to the Placer County District Attorney  
8 about all of the problems with the Intake Video, the Cell 33 Video, the Sally Port  
9 Video, the Cruiser Video and other discovery items on or about July 12, 2017. A  
10 true and correct copy of this letter is attached hereto as Exhibit 11.

#### 11 **Malicious Prosecution of Plaintiff**

12 48. As alleged in paragraph 40, Plaintiff was charged with two counts of  
13 misdemeanor violation of California Penal Code §148(a)(1) on or about August 17,  
14 2016. Despite the repeated efforts of Plaintiff to obtain the evidence that would  
15 exonerate him, such evidence continued to be withheld without explanation for  
16 months, even after the court granted Plaintiff's motion to compel. The next  
17 evidence was not produced until March 2017 when the Cell 33 Video was produced.  
18 It took until April 2017 for the Sally Port Video and the Cruiser Video to be  
19 produced.

20 49. As set forth in Exhibits 9 & 11, to which there has been no reply from the  
21 Placer County District Attorney, there has been no explanation given by the Placer  
22 County District Attorney for the delay in production of evidence, the apparent  
23 tampering with the various named videos, and the failure to produce multiple other  
24 items sought through discovery.

25 50. On or about July 20, 2017, the Placer County District Attorney filed, and the  
26 court approved, an application for dismissal of the charges against Plaintiff. The  
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1 application for dismissal, a true and correct copy of which is attached as Exhibit 12,  
2 stated the grounds for dismissal as follows:

3           The People believe that we can no longer prove this case  
4           beyond a reasonable doubt in light of allegations pending  
5           in other matters against potential witnesses involved in  
6           this case.

7           **The Timely Filing of a Tort Claim for Tampering With Evidence**

8 51.    On or about May 25, 2017, Plaintiff filed a claim against Placer County for  
9 the injuries he suffered as described in paragraphs 21-32, above. A true and correct  
10 copy of this tort claim is attached hereto as Exhibit 2.

11 52.    On or about June 1, 2017, Placer County served by mail a rejection of  
12 Plaintiff's claim. A true and correct copy of this rejection is attached hereto as  
13 Exhibit 2A.

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V  
**Claims For Violation of Federal Civil Rights Under 42 U.S.C. §1983**

**FIRST CAUSE OF ACTION**

**Defendants Robert Madden, Megan Yaw,  
Jeremy Burch, Dan Cunningham, and Aubrey Harris**

**Individual Liability for Violation of Plaintiff's Constitutional Rights  
(Unlawful Use of Force) Under 42 U.S.C . §1983**

53. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive, as though set forth fully herein.

54. Defendants Madden, Yaw, Burch, Cunningham, and Harris committed acts of unprovoked and unwarranted violence upon Plaintiff Coleman as alleged in paragraphs 29-34. This was a violation of: (a) Plaintiff's substantive due process right to be free of punishment prior to adjudication of the charges for which Mr. Coleman was arrested on July 14, 2016; and/or (b) the U.S. Constitution's Eight Amendment prohibition of cruel and unusual punishment.

55. The foregoing conduct of Defendants Madden, Yaw, Burch, Cunningham, and Harris were acts and omissions under the color of state law that was the direct and proximate cause of the violation of the constitutional rights of Plaintiff Coleman.

56. As a direct and proximate result of the wrongful conduct of Defendants Madden, Yaw, Burch, Cunningham, and Harris as set forth above, Plaintiff Coleman has sustained general damages of an estimated \$550,000, according to proof, including, but not limited to: (a) the serious physical pain and suffering from the injuries to his body; (b) the severe emotional and mental distress caused by the rough handling, demeaning taunts, and being beaten while handcuffed, including feelings of helplessness, anxiety, humiliation, and the loss of a sense of security, dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional and psychological therapy.

57. As a direct and proximate result of the foregoing conduct of Defendants



1 Madden, Yaw, Burch, Cunningham, and Harris, Plaintiff Coleman has been forced  
2 to file this action under 42 U.S.C. §1983, and is entitled to recover his attorneys fees  
3 and costs under 42 U.S.C. §1988.

4 58. The foregoing acts and omissions of Defendant Madden, Yaw, Burch,  
5 Cunningham, and Harris were committed with unbridled malice that was  
6 despicable and done with intentional disregard for Plaintiff Coleman's physical and  
7 mental person. As a result, punitive damages should be awarded against  
8 Defendants Madden, Yaw, Burch, Cunningham, and Harris.

9 **SECOND CAUSE OF ACTION**

10 **Defendants Mathew Spencer and Mackenzie Miller**

11 **Individual Liability for Violation of Plaintiff's Constitutional Rights**  
12 **(Unlawful Use of Force) Under 42 U.S.C . §1983**

13 59. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
14 as though set forth fully herein.

15 60. Defendants Spencer and Miller committed acts of unprovoked and  
16 unwarranted violence upon Plaintiff Coleman as alleged in paragraphs 23-28. This  
17 was a violation of : (a) Plaintiff's substantive due process right to be free of  
18 punishment prior to adjudication of the charges for which Mr. Coleman was  
19 arrested on July 14, 2016; and/or (b) the U.S. Constitution's Eight Amendment  
20 prohibition of cruel and unusual punishment.

21 61. The foregoing conduct of Defendants Spencer and Miller were acts and  
22 omissions under the color of state law that was the direct and proximate cause of  
23 the violation of the constitutional rights of Plaintiff Coleman.

24 62. As a direct and proximate result of the foregoing conduct of Defendants  
25 Spencer and Miller, Plaintiff Coleman has sustained general damages of an  
26 estimated \$300,000, according to proof, including, but not limited to: (a) the serious  
27 physical pain and suffering from the injuries to his body; (b) the severe emotional

1 and mental distress caused by the rough handling, demeaning taunts, and being  
2 beaten while handcuffed, including feelings of helplessness, anxiety, humiliation,  
3 and the loss of a sense of security, dignity, and pride; (c) the cost of medical  
4 treatment; and (d) the cost of emotional and psychological therapy.

5 63. As a direct and proximate result of the foregoing conduct of Defendants  
6 Spencer and Miller, Plaintiff Coleman has been forced to file this action under 42  
7 U.S.C. §1983, and is entitled to recover his attorneys fees and costs under 42 U.S.C.  
8 §1988.

9 64. The foregoing acts and omissions of Defendant Spencer and Miller were  
10 committed with unbridled malice that was despicable and done with intentional  
11 disregard for Plaintiff Coleman's physical and mental person. As a result, punitive  
12 damages should be awarded against Defendants Spencer and Miller.

13 **THIRD CAUSE OF ACTION**

14 **Defendant Sheriff Devon Bell and Does 1-10**

15 **Supervisory Liability for Violation Of Plaintiff's Constitutional Rights**  
16 **(Unlawful Use of Force) Under 42 U.S.C . §1983**

17 65. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
18 inclusive, as though set forth fully herein.

19 66. Defendants Does 1-10 are Placer County and/or PCSO employees or  
20 contractors that have responsibility for the: (a) supervision and training of PCSO  
21 deputies and other correctional officers in the lawful use of force against detainees  
22 in the field and inmates at the Auburn Jail; (b) enforcement of the PPPs concerning  
23 the lawful use of force against detainees in the field and inmates at the Auburn  
24 Jail; (c) evaluation of the effectiveness of the PPPs concerning the lawful use of  
25 force against detainees in the field and against inmates at the Auburn Jail; and (d)  
26 investigation of inmate complaints about unlawful use of force against detainees in  
27

1 the field and inmates at the Auburn Jail (“Supervisory Duties”). At all relevant  
2 times, Defendants Sheriff Devon Bell and Does 1-10 had a variety of tools and  
3 means for performing the Supervisory Duties, including the VSS, that were  
4 sufficient to the task.

5 67. There has been an ongoing pattern of complaints by detainees in the field and  
6 inmates at the Auburn Jail about the unlawful use of force against them as alleged  
7 in paragraph 35. These inmate complaints put Defendants Sheriff Devon Bell and  
8 Does 1-10 on notice that there may have been a pattern of unlawful use of force  
9 among the deputies and correctional officers at the Auburn Jail.

10 68. Plaintiff is informed and believes, and on that basis alleges, that despite  
11 having the tools and means for fulfilling their Supervisory Duties, and despite  
12 having been put on notice that there was a problem with the unlawful use of force  
13 at the Auburn Jail, Defendants Sheriff Devon Bell and Does 1-10 repeatedly failed  
14 to perform their Supervisory Duties. Plaintiff is further informed and believes, and  
15 on that basis alleges, that if Defendants Sheriff Devon Bell and Does 1-10 had  
16 performed the Supervisory Duties, they would have learned about and been able to  
17 prevent multiple instances of unlawful use of force against detainees and inmates,  
18 including the unlawful use of force against Plaintiff Coleman.

19 69. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
20 Sheriff Devon Bell and Does 1-10 knew about the “blue wall of silence” or “blue  
21 code” among the PCSO deputies and other correctional officers. This awareness of  
22 the “blue wall of silence” should have caused Defendants Sheriff Devon Bell and  
23 Does 1-10 to take extra measures in performing their Supervisory Duties to prevent  
24 the unlawful use of force against inmates. Plaintiff is informed and believes, and on  
25 that basis alleges, that Defendants Sheriff Devon Bell and Does 1-10 failed to  
26 eliminate or even minimize the “blue wall of silence” so that instances of unlawful  
27

1 use of force against detainees in the field and inmates at the Auburn Jail would be  
2 reported, including the unlawful use of force against Plaintiff Coleman.

3 70. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
4 Sheriff Devon Bell and Does 1-10 knew about the unlawful use of force against  
5 inmates against detainees in the field at the Auburn Jail, including the unlawful  
6 use of force against Plaintiff Coleman. Plaintiff is informed and believes, and on  
7 that basis alleges, that Defendants Sheriff Devon Bell and Does 1-10 engaged in an  
8 active cover up of the unlawful use of force at the Auburn Jail and that the Press  
9 Conference was part of an active effort to conceal the unlawful use of force against  
10 inmates from the public, including the unlawful use of force against Plaintiff  
11 Coleman and Mr. Langley, both of which had been reported to these Defendants  
12 months before the Press Conference.

13 71. The foregoing acts and omissions of Defendants Sheriff Devon Bell and Does  
14 1-10 were done under the color of state law. These acts and omissions were done  
15 with callous disregard and/or deliberate indifference for the rights of inmates at the  
16 Auburn Jail, including Plaintiff Coleman and were the direct and proximate cause  
17 of the violation of the constitutional rights of Plaintiff Coleman.

18 72. As a direct and proximate result of the wrongful conduct of Defendants  
19 Sheriff Devon Bell and Does 1-10 as set forth above, Plaintiff Coleman has  
20 sustained general damages of an estimated \$850,000, according to proof, including,  
21 but not limited to: (a) the serious physical pain and suffering from the injuries to  
22 his body; (b) the severe emotional and mental distress caused by the rough  
23 handling, demeaning taunts, and being beaten while handcuffed, including feelings  
24 of helplessness, anxiety, humiliation, and the loss of a sense of security, dignity, and  
25 pride; (c) the cost of medical treatment; and (d) the cost of emotional and  
26 psychological therapy.

1 73. As a direct and proximate result of the foregoing conduct of Defendant  
2 Defendants Sheriff Devon Bell and Does 1-10, Plaintiff Coleman has been forced to  
3 file this action under 42 U.S.C. §1983, and is entitled to recover his attorneys fees  
4 and costs under 42 U.S.C. §1988.

5 **FOURTH CAUSE OF ACTION**

6 **Defendants Placer County and the PCSO**

7 **Municipal Liability for Violation Of Plaintiff's Constitutional Rights**  
8 **(Unlawful Use of Force) Under 42 U.S.C . §1983**

9 74. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
10 as though set forth fully herein.

11 75. Plaintiff is informed and believes, and on that basis alleges, that there has  
12 been a pattern of unlawful use of force against inmates by PCSO deputies and/or  
13 other correctional officers against detainees in the field and inmates at the Auburn  
14 Jail, including the allegations by Plaintiff Coleman, those of Mr. Langley on his civil  
15 action 2:17-CV-0760, and those instances publicly disclosed by Defendant Sheriff  
16 Devon Bell at the Press Conference.

17 76. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
18 Placer County and the PCSO have had full knowledge of this pattern of unlawful  
19 use of force against inmates because they have received numerous complaints and  
20 tort claims for unlawful use of force against inmates over a period of years,  
21 including the complaints and claims by Plaintiff Coleman and Mr. Langley.

22 77. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
23 Placer County and the PCSO have knowingly failed to properly investigate such  
24 complaints or cause the PCSO Sheriff and/or Does 1-10 to conduct a thorough  
25 investigation into the complaints and make a full and complete report to Placer  
26 County and the PCSO.

27 78. Plaintiff is informed and believes, and on that basis alleges, that Defendants

1 Placer County and the PCSO have routinely denied any allegations of unlawful use  
2 of force against inmates without a thorough investigation.

3 79. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
4 Placer County and the PCSO have known about the “blue wall of silence” or “blue  
5 code” among PCSO deputies and other correctional officers. This awareness of the  
6 “blue wall of silence” should have caused Defendants Placer County and the PCSO  
7 to take extra measures to investigate and prevent the unlawful use of force against  
8 inmates. Plaintiff is informed and believes, and on that basis alleges, that  
9 Defendants Placer County and the PCSO failed to take any measures to eliminate  
10 or even minimize the “blue wall of silence”.

11 80. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
12 Placer County and the PCSO have failed to effectively supervise the Defendants  
13 Sheriff Devon Bell and Does 1-10 about the use of force against detainees and  
14 inmates.

15 81. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
16 Placer County and the PCSO have failed to provide for adequate training of PCSO  
17 deputies and correctional officers in the lawful use of force against detainees and  
18 inmates.

19 82. The foregoing acts and omission by Defendants Placer County and the PCSO  
20 have become the *de facto* customs, policies, and practices of Defendants Placer  
21 County and the PCSO. These customs, policies, and practices constitute a  
22 deliberate indifference to, or indeed a callous disregard for, the constitutional rights  
23 of detainees and inmates, including Plaintiff Coleman, to be free from the unlawful  
24 use of force at the Auburn Jail.

25 83. The foregoing pattern of wrongful conduct by Defendants Placer County and  
26 the PCSO made it far more likely that a PCSO deputy or correctional officer would  
27

1 violate the right of a detainee or inmate, including that of Plaintiff, to be free from  
2 unwarranted bodily harm and cruel and unusual punishment as protected by the  
3 4<sup>th</sup>, 8<sup>th</sup>, and/or the 14<sup>th</sup> Amendment to the United States Constitution.

4 84. The foregoing acts and omissions by Defendants Placer County and the PCSO  
5 were done under the color of state law and were the direct and proximate cause of  
6 the violation of the constitutional rights of Plaintiff Coleman.

7 85. As a direct and proximate result of the foregoing conduct of Defendants  
8 Placer County and the PCSO, Plaintiff Coleman has sustained general damages of  
9 an estimated \$850,000, according to proof, including, but not limited to: (a) the  
10 serious physical pain and suffering from the injuries to his body; (b) the severe  
11 emotional and mental distress caused by the rough handling, demeaning taunts,  
12 and being beaten while handcuffed, including feelings of helplessness, anxiety,  
13 humiliation, and the loss of a sense of security, dignity, and pride; (c) the cost of  
14 medical treatment; and (d) the cost of emotional and psychological therapy.

15 86. As a direct and proximate result of the foregoing conduct of Defendants  
16 Placer County and the PCSO, Plaintiff Coleman has been forced to file this action  
17 under 42 U.S.C. §1983, and is entitled to recover his attorneys fees and costs under  
18 42 U.S.C. §1988.

19 **FIFTH CAUSE OF ACTION**

20 **Defendants Mathew Spencer and Mackenzie Miller**

21 **Individual Liability for Violation of Plaintiff's Constitutional Rights**  
22 **(Unlawful Arrest) Under 42 U.S.C . §1983**

23 87. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
24 as though set forth fully herein.

25 88. Defendants Spencer and Miller, without a warrant or any probable cause, did  
26 arrest Plaintiff for violation of California Penal Code Section 148(a)(1). This was a  
27 violation of Plaintiff's rights under the U.S. Constitution's Fourth Amendment

1 prohibition of unreasonable searches and seizures.

2 89. The foregoing conduct of Defendants Spencer and Miller were acts and  
3 omissions under the color of state law that was the direct and proximate cause of  
4 the foregoing violation of the constitutional rights of Plaintiff Coleman.

5 90. As a direct and proximate result of the foregoing conduct of Defendants  
6 Spencer and Miller, Plaintiff Coleman has sustained general damages of an  
7 estimated \$300,000, according to proof, including, but not limited to: (a) the loss of  
8 Plaintiff's physical freedom; (b) the severe emotional and mental distress caused by  
9 the rough handling, demeaning taunts, and being beaten while handcuffed,  
10 including feelings of helplessness, anxiety, humiliation, despair, and the loss of a  
11 sense of security, dignity, and pride; (c) the cost of emotional and psychological  
12 therapy; and (d) the legal fees Plaintiff incurred in his defense of the criminal  
13 charges.

14 91. As a direct and proximate result of the foregoing conduct of Defendants  
15 Spencer and Miller, Plaintiff Coleman has been forced to file this action under 42  
16 U.S.C. §1983, and is entitled to recover his attorneys fees and costs under 42 U.S.C.  
17 §1988.

18 92. The foregoing acts and omissions of Defendant Spencer and Miller were  
19 committed with unbridled malice that was despicable and done with intentional  
20 disregard for Plaintiff Coleman's constitutional rights. As a result, punitive  
21 damages should be awarded against Defendants Spencer and Miller.

22 **SIXTH CAUSE OF ACTION**

23 **Defendants Devon Bell, Mathew Spencer,**  
24 **Mackenzie Miller, and Does 11-21**

25 **Individual Liability for Violation of Plaintiff's Constitutional Rights**  
26 **(Malicious Prosecution) Under 42 U.S.C . §1983**

27 93. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
28



1 as though set forth fully herein.

2 94. Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-21  
3 lacked a warrant and had no probable cause to arrest Plaintiff for violation of  
4 California Penal Code Section §148(a)(1).

5 95. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
6 Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-21 then caused the  
7 Placer County District Attorney to initiate a criminal complaint and then continue  
8 the prosecution of Plaintiff for eleven months by the: (a) making of false incident  
9 reports; (b) falsification and/or tampering with evidence; (c) delay in the production  
10 of evidence; and (d) failure to produce certain evidence.

11 96. The charges against Plaintiff were finally dismissed on July 20, 2017 because  
12 the Placer County District Attorney publicly acknowledged that there were no  
13 credible witness (including that of the charging officers Spencer and Miller) and no  
14 other credible evidence to prosecute the charges against Plaintiff.

15 97. The foregoing conduct of Defendants Devon Bell, Mathew Spencer, McKenzie  
16 Miller, and Does 11-20 were acts and omissions under the color of state law that  
17 was the direct and proximate cause of the foregoing violation of the constitutional  
18 rights of Plaintiff Coleman.

19 98. As a direct and proximate result of the foregoing conduct of Defendants  
20 Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20, Plaintiff Coleman  
21 has sustained general damages of an estimated \$250,000, according to proof,  
22 including, but not limited to: (a) the loss of Plaintiff's physical freedom; (b) the  
23 severe emotional and mental distress caused by the wrongful prosecution of  
24 Plaintiff, including feelings of helplessness, anxiety, humiliation, despair, and the  
25 loss of a sense of security, dignity, and pride; (c) the cost of emotional and  
26 psychological therapy; and (d) the legal fees Plaintiff incurred in his defense of the

1 criminal charges.

2 99. As a direct and proximate result of the foregoing conduct of Defendants  
3 Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20 as set forth above,  
4 Plaintiff Coleman has been forced to file this action under 42 U.S.C. §1983, and is  
5 entitled to recover his attorneys fees and costs under 42 U.S.C. §1988.

6 100. The foregoing acts and omissions of Defendants Devon Bell, Mathew  
7 Spencer, McKenzie Miller, and Does 11-20 were committed with unbridled malice  
8 that was despicable and done with intentional disregard for Plaintiff Coleman's  
9 constitutional rights. As a result, punitive damages should be awarded against  
10 Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20.

11 **SEVENTH CAUSE OF ACTION**

12 **Defendants Devon Bell, Mathew Spencer,**  
13 **Mackenzie Miller, and Does 11-20**  
14 **Individual Liability for Violation of Plaintiff's Constitutional Rights**  
**(Evidence Tampering) Under 42 U.S.C . §1983**

15 101. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
16 as though set forth fully herein.

17 102. Plaintiff is informed and believes, and on that basis alleges, as set forth in  
18 paragraphs 40-47 Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and  
19 Does 11-20 were responsible for the: (a) falsification and/or tampering with  
20 evidence; (b) the delay in the production of evidence; and (c) failure to produce  
21 certain evidence.

22 103. The foregoing conduct of Defendants Devon Bell, Mathew Spencer, McKenzie  
23 Miller and Does 11-20 caused the arrest, detention and lengthy prosecution of  
24 Plaintiff and were acts and omissions done under the color of state law that were  
25 the direct and proximate cause of the violation of the constitutional rights of  
26 Plaintiff Coleman.

1 104. As a direct and proximate result of the foregoing conduct of Defendants  
2 Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20, Plaintiff Coleman  
3 has sustained general damages of an estimated \$250,000, according to proof,  
4 including, but not limited to: (a) the loss of Plaintiff's physical freedom; (b) the  
5 severe emotional and mental distress caused by the wrongful prosecution, including  
6 feelings of helplessness, anxiety, humiliation, despair, and the loss of a sense of  
7 security, dignity, and pride; (c) the cost of emotional and psychological therapy; and  
8 (d) the legal fees Plaintiff incurred in his defense of the criminal charges.

9 105. As a direct and proximate result of the foregoing conduct of Defendants  
10 Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20 as set forth above,  
11 Plaintiff Coleman has been forced to file this action under 42 U.S.C. §1983, and is  
12 entitled to recover his attorneys fees and costs under 42 U.S.C. §1988.

13 106. The foregoing acts and omissions of Defendants Devon Bell, Mathew  
14 Spencer, McKenzie Miller, and Does 1-10 were committed with unbridled malice  
15 that was despicable and done with intentional disregard for Plaintiff Coleman's  
16 constitutional rights. As a result, punitive damages should be awarded against  
17 Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20.

18 **EIGHTH CAUSE OF ACTION**

19 **Defendants R. Scott Owens, Benjamin Eggert,**  
20 **Jennifer Miskewycz, and Does 21-30**

21 **Individual Liability for Violation of Plaintiff's Constitutional Rights**  
22 **(Failure to Investigate and Correct False Evidence) Under 42 U.S.C. §1983**

23 107. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
24 as though set forth fully herein.

25 108. Defendants R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and  
26 Does 21-30 have a legal duty to insure that all of the evidence they present in a  
27 criminal litigation is true, correct, and complete. This duty is part of the

1 investigative activities of a district attorney's office as a county government and the  
2 fulfillment of this duty is not a matter of prosecutorial discretion.

3 109. As set forth in paragraphs 36-42, Plaintiff sent multiple communications to  
4 Defendants R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz about what  
5 appeared to be spoiled evidence that had been produced, the delay in the production  
6 of evidence, and the failure to produce certain evidence.

7 110. Despite Plaintiff's repeated requests for Defendants R. Scott Owens,  
8 Benjamin Eggert, Jennifer Miskewycz, and Does 21-30 to conduct a full  
9 investigation of the suspect evidence and to withdraw and or correct any evidence  
10 that is not true, correct, and complete, these Defendants failed to: (a) conduct any or  
11 an adequate investigation into the suspect evidence; (b) to withdraw any of the  
12 suspect evidence; (c) file a dismissal for lack of evidence; (d) speed up the production  
13 of evidence; and (e) to produce all of the requested evidence. As a consequence, the  
14 prosecution of Plaintiff was unnecessarily continued for eleven months in violation  
15 of his constitutional right to due process under the 14<sup>th</sup> amendment.

16 111. The foregoing conduct of Defendants R. Scott Owens, Benjamin Eggert,  
17 Jennifer Miskewycz, and Does 21-30 were acts and omissions under the color of  
18 state law that was the direct and proximate cause of the foregoing violation of the  
19 constitutional rights of Plaintiff Coleman.

20 112. As a direct and proximate result of the foregoing conduct of Defendants R.  
21 Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and Does 21-30, Plaintiff  
22 Coleman has sustained general damages of an estimated \$250,000, according to  
23 proof, including, but not limited to: (a) the severe emotional and mental distress  
24 caused by the wrongful prosecution of Plaintiff, including feelings of helplessness,  
25 anxiety, humiliation, despair, and the loss of a sense of security, dignity, and pride;  
26 (b) the cost of emotional and psychological therapy; and (c) the legal fees Plaintiff  
27

1 incurred in his defense of the criminal charges.

2 113. As a direct and proximate result of the foregoing conduct of Defendants R.  
3 Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and Does 21-30 as set forth  
4 above, Plaintiff Coleman has been forced to file this action under 42 U.S.C. §1983,  
5 and is entitled to recover his attorneys fees and costs under 42 U.S.C. §1988.

6 114. The foregoing acts and omissions of Defendants R. Scott Owens, Benjamin  
7 Eggert, Jennifer Miskewycz, and Does 21-30 were committed with a callous  
8 disregard for Plaintiff Coleman's constitutional rights. As a result, punitive  
9 damages should be awarded against Defendants R. Scott Owens, Benjamin Eggert,  
10 Jennifer Miskewycz, and Does 21-30.

11 **NINTH CAUSE OF ACTION**

12 **Defendants Devon Bell, Mathew Spencer, Mackenzie Miller,**  
13 **R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and Does 21-30**

14 **Conspiracy to Violate Plaintiff's Constitutional Rights Under 42 U.S.C . §1985(c)**

15 115. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
16 as though set forth fully herein.

17 116. Plaintiff is informed and believes, and thereon alleges, that Defendants  
18 Devon Bell, Mathew Spencer, Mackenzie Miller, R. Scott Owens, Benjamin Eggert,  
19 Jennifer Miskewycz, and Does 21-30 agreed and knowingly and willfully conspired  
20 among themselves to perpetrate the unlawful conduct described in the Sixth  
21 through Eighth causes of action.

22 117. As a direct and proximate result of the foregoing conspiracy, Plaintiff  
23 Coleman has sustained general damages of an estimated \$500,000, according to  
24 proof, including, but not limited to: (a) the loss of Plaintiff's physical freedom; (b)  
25 the severe emotional and mental distress caused by the wrongful prosecution of  
26 Plaintiff, including feelings of helplessness, anxiety, humiliation, despair, and the  
27 loss of a sense of security, dignity, and pride; (c) the cost of emotional and

1 psychological therapy; and (d) the legal fees Plaintiff incurred in his defense of the  
2 criminal charges.

3 118. As a direct and proximate result of the foregoing conduct, Plaintiff Coleman  
4 has been forced to file this action under 42 U.S.C. §1985, and is entitled to recover  
5 his attorneys fees and costs under 42 U.S.C. §1988.

6 119. The foregoing acts and omissions of Defendants Devon Bell, Mathew Spencer,  
7 Mackenzie Miller, R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and  
8 Does 21-30 were committed with a callous disregard for Plaintiff Coleman's  
9 constitutional rights. As a result, punitive damages should be awarded against  
10 Defendants Devon Bell, Mathew Spencer, Mackenzie Miller, R. Scott Owens,  
11 Benjamin Eggert, Jennifer Miskewycz, and Does 21-30.

VI.  
STATE LAW CLAIMS

TENTH CAUSE OF ACTION

Defendants Robert Madden, Megan Yaw,  
Jeremy Burch, Dan Cunningham, and Aubrey Harris

Assault and Battery (California Civil Code § 43)

120. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive, as though set forth fully herein.

121. Defendants Madden, Yaw, Burch, Cunningham, and Harris, with intent to cause harm, committed the acts described in paragraphs 29-32.

122. Plaintiff Coleman did not consent to the acts committed by Defendants Madden, Yaw, Burch, Cunningham, and Harris. Indeed, Plaintiff Coleman was at all times handcuffed, cooperative, and posed no threat to Defendants Madden, Yaw, Burch, Cunningham, and Harris.

123. As the direct result of the foregoing acts of Defendants Madden, Yaw, Burch, Cunningham, and Harris, Plaintiff Coleman was seriously harmed in body and mind.

124. As a direct and proximate result of the foregoing conduct of Defendants Madden, Yaw, Burch, Cunningham, and Harris, Plaintiff Coleman has sustained general damages of an estimated \$550,000, according to proof, including, but not limited to: (a) the serious physical pain and suffering from the injuries to his body; (b) the severe emotional and mental distress caused by the rough handling, demeaning taunts, and being beaten while handcuffed, including feelings of helplessness, anxiety, humiliation, and the loss of a sense of security, dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional and psychological therapy.

125. The foregoing acts and omissions of Defendants Madden, Yaw, Burch,

1 Cunningham, and Harris were committed with unbridled malice that was  
2 despicable and done with intentional disregard for Plaintiff's physical and mental  
3 person. As a result, punitive damages should be awarded against Defendants  
4 Madden, Yaw, Burch, Cunningham, and Harris.

5 **ELEVENTH CAUSE OF ACTION**

6 **Defendants Mathew Spencer and Mackenzie Miller**

7 **Assault and Battery**

8 126. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
9 inclusive, as though set forth fully herein.

10 127. Defendants Spencer and Miller, with intent to cause harm, committed the  
11 acts described in paragraphs 23-28.

12 128. Plaintiff Coleman did not consent to the acts committed by Defendants  
13 Spencer and Miller. Indeed, Plaintiff Coleman was at all times cooperative, and  
14 posed no threat to Defendants Spencer and Miller, both before and after being  
15 taken to the ground and handcuffed.

16 129. As the direct result of the foregoing acts of Defendants Spencer and Miller,  
17 Plaintiff Coleman was harmed.

18 130. As a direct and proximate result of the foregoing conduct of Defendants  
19 Spencer and Miller as set forth above, Plaintiff Coleman has sustained general  
20 damages of an estimated \$300,000, according to proof, including, but not limited to:  
21 (a) the serious physical pain and suffering from the injuries to his body; (b) the  
22 severe emotional and mental distress caused by the rough handling, demeaning  
23 taunts, and being beaten while handcuffed, including feelings of helplessness,  
24 anxiety, humiliation, and the loss of a sense of security, dignity, and pride; (c) the  
25 cost of medical treatment; and (d) the cost of emotional and psychological therapy.

26 131. The foregoing acts and omissions of Defendants Spencer and Miller were  
27



1 committed with unbridled malice that was despicable and done with intentional  
2 disregard for Plaintiff's physical and mental person. As a result, punitive damages  
3 should be awarded against Defendants Spencer and Miller.

4  
5 **TWELFTH CAUSE OF ACTION**

6 **Defendants Robert Madden, Megan Yaw,  
7 Jeremy Burch, Dan Cunningham, and Aubrey Harris**

8 **Intentional Infliction of Emotional Distress**

9 132. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
10 inclusive, as though set forth fully herein.

11 133. The conduct of Defendants Madden, Yaw, Burch, Cunningham, and Harris  
12 described in paragraphs 29-32 was extreme and outrageous action directed at  
13 Plaintiff that was calculated to cause Plaintiff severe emotional distress, or was  
14 done with substantial certainty that Plaintiff would suffer severe emotional injury.

15 134. As the direct result of the foregoing conduct of Defendants Madden, Yaw,  
16 Burch, Cunningham, and Harris, Plaintiff Coleman suffered severe emotional and  
17 psychological damage.

18 135. As a direct and proximate result of the foregoing conduct of Defendants  
19 Madden, Yaw, Burch, Cunningham, and Harris as set forth above, Plaintiff  
20 Coleman has sustained general damages of an estimated \$550,000, according to  
21 proof, including, but not limited to: (a) the serious physical pain and suffering from  
22 the injuries to his body; (b) the severe emotional and mental distress caused by the  
23 rough handling, demeaning taunts, and being beaten while handcuffed, including  
24 feelings of helplessness, anxiety, humiliation, and the loss of a sense of security,  
25 dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional  
26 and psychological therapy.

1 136. The foregoing acts and omissions of Defendants Madden, Yaw, Burch,  
2 Cunningham, and Harris were committed with unbridled malice that was  
3 despicable and done with intentional disregard for Plaintiff's physical and mental  
4 person. As a result, punitive damages should be awarded against Defendants  
5 Madden, Yaw, Burch, Cunningham, and Harris.

6 **THIRTEENTH CAUSE OF ACTION**

7 **Defendants Mathew Spencer and Mackenzie Miller**

8 **Intentional Infliction of Emotional Distress**

9 137. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
10 inclusive, as though set forth fully herein.

11 138. The conduct of Defendants Spencer and Miller described in paragraphs 23-28  
12 was extreme and outrageous action directed at Plaintiff that was calculated to  
13 cause Plaintiff severe emotional distress, or was done with substantial certainty  
14 that Plaintiff would suffer severe emotional injury.

15 139. As the direct result of the foregoing conduct of Defendants Spencer and  
16 Miller, Plaintiff Coleman suffered severe emotional and psychological damage.

17 140. As a direct and proximate result of the foregoing conduct of Defendants  
18 Spencer and Miller, Plaintiff Coleman has sustained general damages of an  
19 estimated \$300,000, according to proof, including, but not limited to: (a) the serious  
20 physical pain and suffering from the injuries to his body; (b) the severe emotional  
21 and mental distress caused by the rough handling, demeaning taunts, and being  
22 beaten while handcuffed, including feelings of helplessness, anxiety, humiliation,  
23 and the loss of a sense of security, dignity, and pride; (c) the cost of medical  
24 treatment; and (d) the cost of emotional and psychological therapy.

25 141. The foregoing acts and omissions of Defendants Spencer and Miller were  
26 committed with unbridled malice that was despicable and done with intentional  
27

1 disregard for Plaintiff's physical and mental person. As a result, punitive damages  
2 should be awarded against Defendants Spencer and Miller.

3  
4 **FOURTEENTH CAUSE OF ACTION**

5 **Defendants Robert Madden, Megan Yaw,  
6 Jeremy Burch, Dan Cunningham, and Aubrey Harris**

7 **Negligence**

8 142. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
9 inclusive, as though set forth fully herein.

10 143. Defendants Madden, Yaw, Burch, Cunningham, and Harris each held  
11 positions of authority over Plaintiff that gave them real authority to affect  
12 Plaintiff's person. As a consequence of this authority, Defendants Madden, Yaw,  
13 Burch, Cunningham, and Harris had a duty to use reasonable force only as  
14 necessary to obtain Plaintiff's compliance with lawful orders.

15 144. Defendants Madden, Yaw, Burch, Cunningham, and Harris breached the  
16 foregoing duty by committing the knowing acts described in paragraphs 29-32.

17 145. As the direct result of the breach of duty by Defendant Madden, Yaw, Burch,  
18 Cunningham, and Harris Plaintiff Coleman suffered serious personal injury.

19 146. As a direct and proximate result of the foregoing conduct of Defendants  
20 Madden, Yaw, Burch, Cunningham, and Harris, Plaintiff Coleman has sustained  
21 general damages of an estimated \$550,000, according to proof, including, but not  
22 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
23 (b) the severe emotional and mental distress caused by the rough handling,  
24 demeaning taunts, and being beaten while handcuffed, including feelings of  
25 helplessness, anxiety, humiliation, and the loss of a sense of security, dignity, and  
26 pride; (c) the cost of medical treatment; and (d) the cost of emotional and  
27 psychological therapy.

**FIFTEENTH CAUSE OF ACTION**

**Defendants Mathew Spencer and Mackenzie Miller**

**Negligence**

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4 147. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
5 inclusive, as though set forth fully herein.

6 148. Defendants Spencer and Miller each held positions of authority over Plaintiff  
7 that gave them real authority to affect Plaintiff's person. As a consequence of this  
8 authority, Defendants Spencer and Miller had a duty to use reasonable force only as  
9 necessary to obtain Plaintiff's compliance with lawful orders.

10 149. Defendants Spencer and Miller breached the foregoing duty by committing  
11 the knowing acts described in paragraphs 23-28.

12 150. As the direct result of the breach of duty by Defendants Spencer and Miller,  
13 Plaintiff Coleman suffered serious personal injury.

14 151. As a direct and proximate result of the foregoing conduct of Defendants  
15 Spencer and Miller, Plaintiff Coleman has sustained general damages of an  
16 estimated \$300,000, according to proof, including, but not limited to: (a) the serious  
17 physical pain and suffering from the injuries to his body; (b) the severe emotional  
18 and mental distress caused by the beating and rough handling while handcuffed  
19 and the inability to defend himself, including feelings of anxiety, humiliation, and  
20 the loss of a sense of security, dignity, and pride; (c) the cost of medical treatment;  
21 and (d) the cost of emotional and psychological therapy.

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**SIXTEENTH CAUSE OF ACTION**

**Defendants Robert Madden, Megan Yaw,  
Jeremy Burch, Dan Cunningham, and Aubrey Harris**

**Interference With Plaintiff's Constitutional Rights  
Under California Civil Code 52.1(b)**

152. Plaintiff hereby incorporates by reference paragraphs 1 through 52,

1 inclusive, as though set forth fully herein.

2 153. Defendants Madden, Yaw, Burch, Cunningham, and Harris committed acts  
3 of unprovoked, unwarranted and violence upon Plaintiff Coleman as alleged in  
4 paragraphs 29-32. This was a violation of : (a) Plaintiff's substantive due process  
5 right to be free of punishment prior to adjudication of the charges for which Mr.  
6 Coleman was to appear under the US Constitution; and (b) Plaintiff's rights under  
7 Article 1, Section 7 & 17 of the California Constitution.

8 154. As a direct and proximate result of the foregoing conduct of Defendants  
9 Madden, Yaw, Burch, Cunningham, and Harris, Plaintiff Coleman has sustained  
10 general damages of an estimated \$550,000, according to proof, including, but not  
11 limited to: (a) the serious physical pain and suffering from the injuries to his body;  
12 (b) the severe emotional and mental distress caused by the rough handling,  
13 demeaning taunts, and being beaten while handcuffed, including feelings of  
14 helplessness, anxiety, humiliation, and the loss of a sense of security, dignity, and  
15 pride; (c) the cost of medical treatment; and (d) the cost of emotional and  
16 psychological therapy.

17 155. Pursuant to California Civil Code §52(a) and §52.1(b), Plaintiff Coleman is  
18 entitled to treble the amount of consequential damages that are proven.

19 156. As the direct and proximate result of the foregoing conduct of Defendants  
20 Madden, Yaw, Burch, Cunningham, and Harris, Plaintiff Coleman is entitled to  
21 recover his costs and attorneys fees under Civil Code § 52(b) and § 52.1(h).

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**SEVENTEENTH CAUSE OF ACTION**

**Defendants Mathew Spencer and Mackenzie Miller**

**Interference With Plaintiff's Constitutional Rights  
Under California Civil Code 52.1(b)**

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157. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive, as though set forth fully herein.

158. Defendants Spencer and Miller committed acts of unprovoked, unwarranted and violence upon Plaintiff Coleman as alleged in paragraphs 23-28. This was a violation of : (a) Plaintiff's substantive due process right to be free of punishment prior to adjudication of the charges for which Mr. Coleman was to appear; and/or (b) the U.S. Constitution's Eight Amendment prohibition of cruel and unusual punishment.

159. As a direct and proximate result of the foregoing conduct of Defendants Spencer and Miller, Plaintiff Coleman has sustained general damages of an estimated \$300,000, according to proof, including, but not limited to: (a) the serious physical pain and suffering from the injuries to his body; (b) the severe emotional and mental distress caused by the rough handling, demeaning taunts, and being beaten while handcuffed, including feelings of helplessness, anxiety, humiliation, and the loss of a sense of security, dignity, and pride; (c) the cost of medical treatment; and (d) the cost of emotional and psychological therapy.

160. Pursuant to California Civil Code §52(a) and §52.1(b), Plaintiff Coleman is entitled to treble the amount of consequential damages that are proven.

161. As the direct and proximate result of the foregoing conduct of Defendants Spencer and Miller as set forth above, Plaintiff Coleman is entitled to recover his costs and attorneys fees under Civil Code § 52(b) and § 52.1(h).

**EIGHTEENTH CAUSE OF ACTION**

**Defendants Mathew Spencer and Mackenzie Miller**

**Unlawful Arrest**

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4 162. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
5 as though set forth fully herein.

6 163. Defendants Spencer and Miller, without a warrant or any probable cause, did  
7 arrest Plaintiff for violation of California Penal Code Section 148(a)(1).

8 164. Plaintiff Coleman was harmed by the foregoing arrest.

9 165. The foregoing conduct of Defendants Spencer and Miller was a substantial  
10 factor in causing Plaintiff Coleman's harm.

11 166. As a direct and proximate result of the foregoing conduct of Defendants  
12 Spencer and Miller, Plaintiff Coleman has sustained general damages of an  
13 estimated \$300,000, according to proof, including, but not limited to: (a) the loss of  
14 Plaintiff's physical freedom; (b) the severe emotional and mental distress caused by  
15 the unlawful arrest of Plaintiff, including feelings of helplessness, anxiety,  
16 humiliation, despair, and the loss of a sense of security, dignity, and pride; (c) the  
17 cost of emotional and psychological therapy; and (d) the legal fees Plaintiff incurred  
18 in his defense of the criminal charges.

19 167. The foregoing acts and omissions of Defendant Spencer and Miller were  
20 committed with unbridled malice that was despicable and done with intentional  
21 disregard for Plaintiff Coleman's constitutional rights. As a result, punitive  
22 damages should be awarded against Defendants Spencer and Miller.

**NINETEENTH CAUSE OF ACTION**

**Defendants Devon Bell, Mathew Spencer,  
Mackenzie Miller, and Does 11-20**

**Malicious Prosecution**

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168. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive, as though set forth fully herein.

169. Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20 lacked any probable cause to arrest Plaintiff for violation of California Penal Code Section §148(a)(1).

170. Plaintiff is informed and believes, and on that basis alleges, that Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20 then caused the Placer County District Attorney to initiate a criminal complaint and then continue the prosecution of Plaintiff for eleven months by the: (a) the making of false incident reports; (b) falsification and/or tampering with evidence; (c) delay in the production of evidence; and (d) failure to produce certain evidence.

171. The charges against Plaintiff were finally dismissed on July 20, 2017 because the Placer County District Attorney publicly acknowledged that there were no credible witness (including that of the charging officers Spencer and Miller) and no other credible evidence to prosecute the charges against Plaintiff.

172. As a direct and proximate result of the foregoing conduct of Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20 as set forth above, Plaintiff Coleman has sustained general damages of an estimated \$250,000, according to proof, including, but not limited to: (a) the loss of Plaintiff's physical freedom; (b) the severe emotional and mental distress caused by the wrongful prosecution of Plaintiff, including feelings of helplessness, anxiety, humiliation, despair, and the loss of a sense of security, dignity, and pride; (c) the cost of emotional and psychological therapy; and (d) the legal fees Plaintiff incurred in his



1 defense of the criminal charges.

2 173. The foregoing acts and omissions of Defendants Devon Bell, Mathew  
3 Spencer, McKenzie Miller, and Does 11-20 were committed with unbridled malice  
4 that was despicable and done with intentional disregard for Plaintiff Coleman. As a  
5 result, punitive damages should be awarded against Defendants Devon Bell,  
6 Mathew Spencer, McKenzie Miller, and Does 11-20.

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8 **TWENTIETH CAUSE OF ACTION**

9 **Defendants Devon Bell, Mathew Spencer,  
10 Mackenzie Miller, and Does 11-20**

11 **Evidence Tampering**

12 174. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
13 as though set forth fully herein.

14 175. Plaintiff is informed and believes, and on that basis alleges, as set forth in  
15 paragraphs 40-47 Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and  
16 Does 11-20 were responsible for the: (a) filing of false incident reports; (b)  
17 falsification and/or tampering with evidence; (c) the delay in the production of  
18 evidence; and (d) failure to produce certain evidence.

19 176. The foregoing conduct of Defendants Devon Bell, Mathew Spencer, McKenzie  
20 Miller and Does 11-20 caused the arrest, detention and lengthy prosecution of  
21 Plaintiff and was the direct and proximate cause of the harm to Plaintiff Coleman.

22 177. As a direct and proximate result of the foregoing conduct of Defendants  
23 Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20, Plaintiff Coleman  
24 has sustained general damages of an estimated \$250,000, according to proof,  
25 including, but not limited to: (a) the loss of Plaintiff's physical freedom; (b) the  
26 severe emotional and mental distress caused by the wrongful prosecution, including  
27 feelings of helplessness, anxiety, humiliation, despair, and the loss of a sense of

1 security, dignity, and pride; (c) the cost of emotional and psychological therapy; and  
2 (d) the legal fees Plaintiff incurred in his defense of the criminal charges.

3 178. The foregoing acts and omissions of Defendants Devon Bell, Mathew  
4 Spencer, McKenzie Miller, and Does 11-20 were committed with unbridled malice  
5 that was despicable and done with intentional disregard for Plaintiff Coleman's  
6 constitutional rights. As a result, punitive damages should be awarded against  
7 Defendants Devon Bell, Mathew Spencer, McKenzie Miller, and Does 11-20.

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9 **TWENTY FIRST CAUSE OF ACTION**

10 **Defendants R. Scott Owens, Benjamin Eggert,  
11 Jennifer Miskewycz, and Does 21-30**

12 **Failure to Investigate and Correct False Evidence**

13 179. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
14 as though set forth fully herein.

15 180. Defendants R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and  
16 Does 21-30 have a legal duty to insure that all of the evidence they present in a  
17 criminal litigation is true, correct, and complete. This duty is part of the  
18 fulfillment of this duty is not a matter of prosecutorial discretion.

19 181. As set forth in paragraphs 40-47, Plaintiff sent multiple communications to  
20 Defendants R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz about what  
21 appeared to be spoiled evidence that had been produced, the delay in the production  
22 of evidence, and the failure to produce certain evidence.

23 182. Despite Plaintiff's repeated requests for Defendants R. Scott Owens,  
24 Benjamin Eggert, Jennifer Miskewycz, and Does 21-30 to conduct a full  
25 investigation of the suspect evidence and to withdraw and or correct any evidence  
26 that is not true, correct, and complete, these Defendants failed to: (a) conduct any or  
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1 an adequate investigation into the suspect evidence; (b) to withdraw any of the  
2 suspect evidence; (c) file a dismissal for lack of evidence; (d) speed up the production  
3 of evidence; and (e) to produce all of the requested evidence. As a consequence, the  
4 prosecution of Plaintiff was unnecessarily continued for eleven months.

5 183. As a direct and proximate result of the foregoing conduct of Defendants R.  
6 Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and Does 21-30, Plaintiff  
7 Coleman has sustained general damages of an estimated \$250,000, according to  
8 proof, including, but not limited to: (a) the severe emotional and mental distress  
9 caused by the wrongful prosecution of Plaintiff, including feelings of helplessness,  
10 anxiety, humiliation, despair, and the loss of a sense of security, dignity, and pride;  
11 (b) the cost of emotional and psychological therapy; and (c) the legal fees Plaintiff  
12 incurred in his defense of the criminal charges.

13 184. The foregoing acts and omissions of Defendants R. Scott Owens, Benjamin  
14 Eggert, Jennifer Miskewycz, and Does 21-30 were committed with a callous  
15 disregard for Plaintiff Coleman's constitutional rights. As a result, punitive  
16 damages should be awarded against Defendants R. Scott Owens, Benjamin Eggert,  
17 Jennifer Miskewycz, and Does 21-30.

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19 **TWENTY SECOND CAUSE OF ACTION**

20 **Defendants Devon Bell, Mathew Spencer, Mackenzie Miller,  
R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and Does 11-30**

21 **Conspiracy to Maliciously Prosecute by Means of False Evidence**

22 185. Plaintiff hereby incorporates by reference paragraphs 1 through 52, inclusive,  
23 as though set forth fully herein.

24 186. Plaintiff is informed and believes, and thereon alleges, that Defendants  
25 Devon Bell, Mathew Spencer, Mackenzie Miller, R. Scott Owens, Benjamin Eggert,  
26 Jennifer Miskewycz, and Does 11-30 agreed and knowingly and willfully conspired  
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1 among themselves to perpetrate the unlawful conduct described in the Nineteenth  
2 through Twenty First causes of action.

3 187. As a direct and proximate result of the foregoing conspiracy, Plaintiff  
4 Coleman has sustained general damages of an estimated \$500,000, according to  
5 proof, including, but not limited to: (a) the loss of Plaintiff's physical freedom; (b)  
6 the severe emotional and mental distress caused by the wrongful prosecution of  
7 Plaintiff, including feelings of helplessness, anxiety, humiliation, despair, and the  
8 loss of a sense of security, dignity, and pride; (c) the cost of emotional and  
9 psychological therapy; and (d) the legal fees Plaintiff incurred in his defense of the  
10 criminal charges.

11 188. The foregoing acts and omissions of Defendants Devon Bell, Mathew Spencer,  
12 Mackenzie Miller, R. Scott Owens, Benjamin Eggert, Jennifer Miskewycz, and  
13 Does 11-30 were committed with a callous disregard for Plaintiff Coleman's  
14 constitutional rights. As a result, punitive damages should be awarded against  
15 Defendants Devon Bell, Mathew Spencer, Mackenzie Miller, R. Scott Owens,  
16 Benjamin Eggert, Jennifer Miskewycz, and Does 11-30.

17 **TWENTY THIRD CAUSE OF ACTION**

18 **Defendants Placer County and the PCSO**

19 **Respondeat Superior Liability Under California**  
20 **Government Code §815.2(a) And/Or 815.6**

21 189. Plaintiff hereby incorporates by reference paragraphs 1 through 52,  
22 inclusive, as though set forth fully herein.

23 190. Defendants Placer County and the PCSO, as the employer of Defendants  
24 Bell, Madden, Yaw, Burch, Cunningham, Harris, Spencer, McKenzie, Owens,  
25 Eggert, Miskewycz and Does 1-30 has full authority to train, supervise, and direct  
26 all of the actions of each of these defendants. Defendants Bell, Madden, Yaw,  
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1 Burch, Cunningham, Harris, Spencer, McKenzie, Owens, Eggert, Miskewycz and  
2 Does 1-30 in their official capacity and in the performance of their duties as  
3 deputies and or correctional officers, engaged in the acts and omissions alleged in  
4 the Twentieth through Twenty Second causes of action.

5 191. Under California Government Code §815.2(a), Placer County and the PCSO  
6 are liable for any injury that is proximately caused by the act or omission of an  
7 employee within the scope of the employee's duties, including all of the acts and  
8 omissions alleged in the Twentieth through Twenty Second causes of action.

9 192. As a direct and proximate result of the foregoing acts and omissions of  
10 Defendants Bell, Madden, Yaw, Burch, Cunningham, Harris, Spencer, McKenzie,  
11 Owens, Eggert, Miskewycz and Does 1-30, Plaintiff Coleman has sustained general  
12 damages of an estimated \$1,100,000, according to proof, including, but not limited  
13 to:

- 14 (a) the serious physical pain and suffering from the injuries to his body;
  - 15 (b) the severe emotional and mental distress caused by the beating and rough  
16 handling while handcuffed and the inability to defend himself, including  
17 feelings of anxiety, humiliation, and the loss of a sense of security, dignity,  
18 and pride;
  - 19 (c) the severe emotional and mental distress caused by the wrongful  
20 prosecution of Plaintiff, including feelings of helplessness, anxiety,  
21 humiliation, despair, and the loss of a sense of security, dignity, and pride;
  - 22 (d) the loss of Plaintiff's physical freedom;
  - 23 (e) the cost of medical treatment;
  - 24 (f) the cost of emotional and psychological therapy; and
  - 25 (g) the legal fees Plaintiff incurred in his defense of the criminal charges.
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VII.  
PRAYER

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. For general, consequential, and special damages in the sum set forth in each count according to proof;
2. For punitive damages in a sum according to proof in Counts 1-2, 5-13, and 18-22;
3. For reasonable attorney's fees and costs pursuant to 42 U.S.C. §1988 in Counts 1-9;
4. For reasonable attorney's fees and costs pursuant to California Civil Code §51 and §52 in Counts 16-17;
5. For treble damages (3x consequential) in Counts 16-17;
6. For cost of suit herein incurred for all counts; and
7. For such other and further relief as the Court deems just and proper.

\\

Dated: July 29, 2017

Respectfully,

By: /s/ Patrick H. Dwyer  
Patrick H. Dwyer, SBN 137743  
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Penn Valley, CA 95946  
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Fax: (530) 432-9122  
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